

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Osman Ozsusamlar) Civil Action N.: 1: 18-492- AMQ-SVH
)
Petitioner,)
Vs.)
)
B.M. Antonelli, Warden,)
Respondent.)

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RESPONSE FOR GOVERNMENT MOTION

COMES NOW the Petitioner Osman Ozsusamlar Pro-Se FCI- Pollock, LA.

Inmate Osman Ozsusamlar from Turkey, I never been educated any type of law and even I do not understanding the U.S. Law. I respondent a Government motion. Please May I have a legal attorney to represent my motion if it's possible because before the Court denied my motion and dismiss? Therefore,

I am asking this Honorable Court to grant for me an Attorney. ---See ATTACH
ASKING MOTION FOR APPOINTING ATTORNEY

Since I was been arrested to present the FBOP staffs member they were using their authority to abuse me, harassing, discriminating and even to treats me indifferent other than inmates. They also violated in personally my **U.S CONSTITUTIONAL RIGHTS 5TH, 8th and 14th AMENDMENT RIGHTS** and also **BOP own Program Statement 3420. 09 Standard of Employee Conduct.**

I declare, under penalty of perjury Title 28 U.S.C § 1746, that foregoing is true and correct with **EXHIBIT – 1** through **EXHIBIT – 12**

BACKGROUND SUPPORT WITH ATTACH EXHIBITS

1. On November 3rd, 1999, I came in this country permanent resident card. I am from Turkey.
2. Beginning at 2000 started small business for "trucking company".
3. Osman Ozsusamlar in life times no any trouble for by law enforcement.
4. Osman Ozsusamlar married at August 5, 2001 in his own country Turkey.
5. On September 17, 2001 I came back from Turkey to United States of America.
6. On December 5, 2001, **my father Mustafa Ozsusamlar** arrested in Washington D.C. for second name fake driver licensed. Than six months later on bringing to him Manhattan, New York **Metropolitan Correctional Center ("MCC")** jailhouse opened more charge against to him. **Case Number: 02 CR. 768 (KMW)** for white color crime charge Southern District of New York.
7. On or about 2004, my father goes to jury trail and his lost trial. My father still a waiting to sentence MCC, New York jailhouse belong Federal Bureau of Prison facility.
8. On or about August 2005 **MCC- NY Federal Bureau of Prison ("FBOP")** jailhouse staff members and **Cooperative Witness ("CW")** inmate **Mohammed Malbrouk** set up a wire tape that was recorded between my father **Mustafa Ozsusamlar** and **CW inmate Mohammad Malbrouk**. --SEE **EXHIBIT - 1 [05 MAG 1699 SEALED COMPLAINT** count one (**Murder for Hire**) paragraph 4 clearly proves evidence sealed complain said The CW's information has proven to be accurate and reliable, and has been corroborated by other evidence, **INCLUDING THE RECORDED CONVERSATIONS DESCRIBED HEREIN**. From the CW, I learned the following...." Grand Jury indictment granded because base of this recorded conversation. Still today pass 13 years not exist this recorded. This is self violation of **18 U.S.C. § 2518 (1) (b) (iii); § 2510 (1)** without court order make a wire tape recorded.
9. On October 6, 2005 I am arrested for **Murder for Hire** in Paterson, N.J. .My case number **05 CR 1077 (PKL)** Southern District of New York my father case same prosecutor and same FBI white color crime agents arrest me and charge me brought me overnight from New Jersey to New York. This is self

violation law 18 U.S.C. § 1519 cover up; destroy stopped ongoing federal investigation, and obstruction of justice.

10. If this wire tape recording didn't exist I would have never been charged with any crime or criminal act and I would not be a prisoner.
11. On or about February 2007, I was moved to in the **Metropolitan Detention Center Brooklyn in New York ("MDC BROOKLYN, NY")** Jailhouse.
12. At that time I wrote letter through my mother language ("**Turkish**") which I was explained what was happened my background case to who was presiding over pending my criminal charge.
13. The Court Clerk send me back my letter three different times because the Court Clerk said me - ("Do Not Write a Turkish Language to the Court") and the same time one of inmate told me he want help me through in English his name was **Michael Lair**, his **Case Number; 06 CR. 1068, Southern District of New York** even his own Prosecutor said him in Court Record **Michael Lair** a ("**Con Man**").
14. **Inmate Michael Lair** draft all of my English letter from February 2007, through May 7th, 2007, whatever he drafts letters, I kept his handwriting and rewrite my handwriting I mailed out to the Court, Media...etc **SEE EXHIBIT - 2,- 3, & - 4.**
15. **Inmate Michael Lair** trying to set me, I and my brother to open a new case, but problem my brother he never visit me in **MDC – BROOKLYN, NY**. This is matter after a fully investigation from **FBI – US Marshall Officers**, they didn't open that case an **FBI white color crime Agent called Mr. McKeogh** who was self **violated 18 U.S.C. §1519** to covered up and destroyed on ongoing federal investigation, and obstruction of justice.
16. I would like to get a for help to fix it my original case and I will appreciate you to be dropped any words used by federal government against me which wasn't meant to hurt myself and my beloved country I received a [**Disciplinary Charge**] which make me worst then the terrorist in the Federal Prison
17. 203-Threatening Bodily Injury to District Judge Peter Leisure" charge self FBOP violated. **28 C.F.R. § 8.12 Retaliation for Exercising Constitutional Rights.**
SEE EXHIBIT – 5.

18. On or about May 7th 2007, when I was at **MDC-Brooklyn NY FBOP** Jailhouse employees unlawfully, willfully, Intentionally and Deliberately gave me an illegal Disciplinary Incident Report No: 1601577, code: 203; for "Threatening Bodily Injury to District Judge Peter Leisure," who presiding over pending prison litigation. As a result the prisoner was issued a disciplinary charge for defiance. The constitutional right of access to the courts was violated by this retaliation. **28 C.F.R. § 8.12 Retaliation for Exercising Constitutional Rights. --- SEE EXHIBIT – 5.**
19. **I have never been charged and convicted in this matter, either in Federal Court or State for Threatening Judge.**
20. On or about June 20, 2007, the **MDC- BROOKLYN, NY Warden Lindsay** used this illegal disciplinary incident report to place the required **Special Administrative Measures ("SAM's")** on me. Normally the SAM's restriction comes from the U.S. District Attorney's Office. **SEE EXHIBIT – 6**
21. On or about September 17, 2007, I was sentenced to the imprisonment of 188 months by Judge Leisure. The Judge Leisure recommended that I serve the time in a FBOP facility. Also the Judge Leisure recommended that I serve the time of prison in the New York, New Jersey, or Pennsylvania area. Last 11 years pass I never been even close those area.
22. On or about October 2007, the **MDC – BROOKLYN, NY**, and FBOP Jailhouse employees illegally sent me to **USP – ADX Florence, Colorado, Super Maximum Security Prison**. I was there in 4 – years.
23. On May 12, 2008 U.S. Department of Justice; they terminated the SAM restrictions **SEE EXHIBIT - 7.**
24. On September 22, 2008; **USP ADX – Florence, CO** from the **Warden. R. Wiley** [putted on me Management Variable ("MGTV; reason and he said his Memo letter. **"Inmate Ozsusamlar's custody classification form was recently updated. He is scored as a Low Security Level inmate with Maximum Custody. He arrived at ADX Florence on November 26, 2007, as an initial Designation on September 18, 2007, Ozsusamlar's was sentenced to 188 month and 3 – years supervisor release for Conspiracy to Commit Murder**

for Hire, Murder for Hire, and Conspiracy to Commit Extortion. WHILE HOUSED AT MDC BROOKLYN NEW YORK, OZSUSAMLAR ATTEMPTED TO ORGANIZE AND ARRANGE FOR KILLING OF FIVE FBI AGENTS, TWO PROSECUTOR S, TWO DEFENS ATTORNEYS, A CASE REPORTER, AND A FORENSIC SPECIALIST. DUE TO CONTINUED SAFETY AND SECURITY CONCERNS, WE ARE REQUESTING THE EXTENSION OF HIS GREATER SECURITY MANAGEMENT VARIABLE.”)] –SEE EXHIBIT – 8 . This is big concern my pass 11 years prisons time because wrong, without any court order and charge to me put on the my FBOP central file (“sentry file”) information matter last 11 years torture, harassment, abusing to me LOW SECURITY inmate never maded yet LOW PRISON.

25. On October 30 2010, USP- Florence, Colorado Warden Charles A. Daniels put on me again same reason MGVT. ---SEE EXHIBIT – 9
26. On September 16, 2011, USP- Florence, Colorado Warden Charles A. Daniels put on me again different reason MGVT. ---SEE EXHIBIT – 10
27. On November 2011. I was been transferred to the USP Atwater, California I stay there for 2 – years.
28. On July 19, 2013 after two years from USP- Atwater, CA put on me MGVT --- SEE EXHIBIT – 11 and they transferred to the FCI- McDowell, WV.
29. After FCI- Manchester, KY; FCI- Bennettsville, SC; and FCI- Williamsburg, SC I do my time.
30. On April 4, 2018 the BOP they transferred to the FCI- Pollock, LA and I’m currently incarcerating.
31. SEE EXHIBIT – 12 show clearly I got 7 point and belong to camp which I cannot go the camp but even MGVT make me LOW PRISON not to FCI.
32. Government motion showing I made to many Administrative Remedy complaints because since I got this illegal disciplinary action matter FBOP treat me different than other inmate last 11 – years violated my 5th, 8th and 14th Amendment Rights.

MEMORANDUM IN SUPPORT

I. PARTIES

At the time the petitioner received the incident report reference in this petition, I was housed at **MDC Brooklyn [ECF NO.1-1, 1, INCEDENT REPORT#1601577]**. In May 2017, the petitioner was transferred to the Federal Correctional Institution ("**FCI**") Williamsburg in Salter's. South Carolina, where I was incarcerated at the time he filed this petition. [**GOV EXHIBIT – 1, INMATE HI STORY**]. I was transferred to the **FCI Pollock, Louisiana**.

At the time the Petitioner filed this habeas, **B.M. Antonelli, Warden at FCI-Williamsburg**, where I was currently incarcerated.

The Petitioner, inmate **Osman Ozsusamlar, Register no: 53271-054**, has filed a petition for writ of habeas corpus under **28 U.S.C. §2241** challenging an Administrative disciplinary action I received while incarcerated at the **Metropolitan Detention Center (MDC) in Brooklyn, NY**. The petitioner alleges the **Disciplinary Hearing Officer (DHO) had no jurisdiction to impose sanctions on Constitutional Rights of Prisoners under 28 CFR § 8.12 Retaliation for Exercising Constitutional Rights. SEE EXHIBIT – 5**

II. SUBJECT MATTER JURISDICTION.

A petition for habeas corpus under **28 U.S.C. § 2241** is the proper method to challenge the computation of good time or jail time credits. The Court has subject matter jurisdiction over the petitioners challenge to a disciplinary action wherein good conduct time (**GCT**) was taken as this sanction impacts the duration of my sentence and also should be lifted any type of restrictions on me by BOP sentry file.

III. ADMINISTRATIVE REMEDIES.

Since on May 2007 through present day FBOP treats me indifferently other then rest of the inmates, this is reason why I filed many **Administrative Remedies** in order the FBOP should change their restrictions imposed me because of; I do not have any other options except I putted in the **Court Record** since I received a disciplinary action from

FBOP while they violated my Medical Health Problems which were not to Contact with my Father through Mail or Email, I lost my Property, also the SIS they restricted my [personal] Email included my Mails not to receive on timely, they kept me in the SHU for more than 105- Days without reason included they gave me hard time whenever I signed my Paycheck which was less then amount my **[Regular Check]** due to my race or religion test as discrimination for that reason I tried to ask the Warden and other Federal Officers what did I do wrong and their respond was they said to me this disciplinary incident report matter happen ,you are right & correct but I can not fixed this matter something over to me.

According the Rule of the Law in this country is; If I violated the FBOP Rule/Regulation. I should be accepted to get a disciplinary action but if the FBOP violated against my Rights, I should have a Right to write **Administrative Remedy Complaint** in order to put on the Court Record File.

IV. RESPONDENT'S STATEMENT OF THE CASE.

On May 22nd, 2007, it was determined that on May 9, 2007, the petitioner made a threat to another person. ----- **SEE EXHIBIT – 2, -3, and -4.** I will clearly to show you from the FBOP Staffs they violated my Rights without reason when they used the **Inmate Michael Lair** his hand written against my words because he drafted me small note which I was requested from him to help me about to write a letter to the Court while I didn't know how to write English language or even how to speak. Therefore,

I saved his writing when he tried to framed me after I trusted him but God he protected me which I would like from your respective office to appointed me an Attorney to follow up my **Administrative Remedies Compliant** since I was been incarcerated in the Federal Prison. **SEE EXHIBIT – 2, 3, and 4.** His handwriting (**Inmate Michael Lair**) also **SEE EXHIBIT – 3 and -4** how he commit a crime to set me up to catch me a new case but for the God who saved me the **District Judge Hon. Leisure** he did not believe absolutely any type of threat I intended but I requested from his Office to hear my case against **Michael Lair** so I could clear my [Record File] which I did not commit or

intended any Crime against humanity. Because inmate **Michael Lair** he committed a crime without my knowledge before he was been released from **MDC- Brooklyn, NY**.

The FBOP violated when they used his handwriting against my Rights while I didn't threaten anybody according the U.S. Constitutional Law which is; **28 C.F.R. § 8.12. --- SEE EXHIBIT – 5.**

I would like from your Respective Court Office to grant me 2241, and I will appreciate you if you consider my request as humanity while I served my time in the Federal Prison for more than 12-years. I hope, kind a best consideration my request.

V. LEGAL ANALYSIS

As I mentioned above I would like your **Honorable Court Office** to follow up my credibility which the FBOP denied about my **Good Conduct Time (GCT)** under **MGTV** since I was been in the Federal Prison because they didn't designated me to the Federal Low Prison or to the Camp for due my Lower Points except to Medium Prison. **SEE EXHIBIT – 12**

VI. REQUEST FOR RELIEF

1. A preventive injunction stopping Defendants and their agents from tangibly or intangibly retaliating against Plaintiff for filing the action;
2. Issue am order on favor of Plaintiff's finding that the Defendant's actions constitute a complete disregard for Plaintiff's right, and violated Plaintiff First Fifth, Eight, Fourteen Amendment Rights to **U.S Constitution and 18 U.S.C. §1519**, and also B.O.P own Program Statement **3420.09, Standard of Employee Conduct.**
3. A declaration that the acts and omissions describe herein violated Plaintiffs rights under the Constitution and Laws of the United State.
4. A preliminary and permanent injunction ordering defendant **B.M Antonelli Warden** to fixed (rectify) in my bop sentry file including sanction impose all of other illegal restriction.

5. Issue an order finding that the action taken by the Defendant Plaintiff suffered irreparable injury during his **“First Appeal”** and **‘Post –Conviction proceeding.’** Up to today prison condition and treatment in prison violation continue because using excuse for illegal disciplinary incident report no **#1601577** (“shot”203 code: threatening bodily harm **District Judge Peter Leisure**. Even in this disciplinary report violation of under **28 C.F.R §8.12, Retaliation for Exercising Constitutional Rights.**) . The BOP staff member treat on me indifferent than other inmate.
6. Enter a judgment for Plaintiff to the extent this Honorable Court deems just proper.
7. The Honorable Court ordered to the B.O.P following to the U.S Law, Rule, with B.O.P Rules Statement, and Regulation.
8. I am requesting my **B.O.P** file **“MALE CUSTODY CLASSIFICATION FORM”** section (A) identifying data public safety factor **GREATER SEVERTY MGTV: GRTR SECURTTY (B) Base Scoring Severity: (7) GREATEST AND VIOLENCE: (3) 5-10 YEARS MINOR.** Those information illegal and Office of the Inspector General other B.O.P Internal Office Appreciated staff fixed.
9. Any additional relief this Court deems just, proper and equitable.
10. FBOP sentry file put on me **CIM Assignment** use this illegal disciplinary action should rectify (fix’s);
11. This illegal disciplinary action matter were I was lost 27 – Days **Good Conduct Time (“GCT”)** which I didn’t get back.
12. Last eleven years low security inmate withholding more security level prison matter granted Plaintiff **Extra Good Conduct Time (“EGT”).**

VII. CONCLUSION

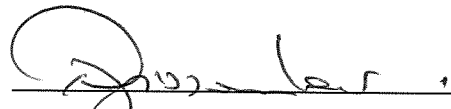
Based on this information I mentioned above it true and trustworthy which I was lived in desperate through mentally and physically, I was been discriminated by some individual from FBOP Staffs were I spend for the past 12 – years in the Federal Correction Facilities.

I hope, you will grant me my **2241** and also to appoint me an **Attorney** on behalf for the best your country which I believed my beloved country they respected Human Rights under beautiful the U.S. Flag.

The Petitioner **Osman Ozsusamlar** request for a writ of habeas corpus should be granted.

Respectfully Submitted

Date: June 8, 2018

A handwritten signature in black ink, appearing to read 'Osman Nuri Ozsusamlar', written over a horizontal line.

Osman Nuri Ozsusamlar

Reg. No : 53271-054

FCI- Pollock- POM

P.O. Box 4050, Unit D2

Pollock, LA 71467-4050

CC: File

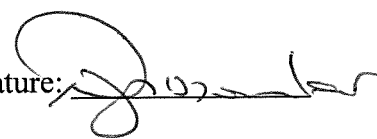
NOTARY CERTIFICATION

I CERTIFY THAT ALL THE ABOVE IS ALL TRUE AND CORRECT

UNDER PENALTY OF PERJURY, PERJURY, DATED JUNE 8 , 2018 NOTARY

28 U.S.C. §1746; AND 18 U.S.C. §1621 , IN LIEU OF NOTARY , STATE OF

LOUISIANA, COUNTY OF GRAND PARISH, AND CITY OF POLLOCK.

Signature: 

OSMAN OZSUSAMLAR

Reg. 53271-054

FCI- Pollock- POM

P. O. BOX 4050, Unit D2

Pollock, LA 71467-4050

CERTIFICATE OF SERVICE

I, **Osman Ozsusamlar** hereby certify that I have served a true and correct copy of the following:

RESPONSE FOR GOVERNMENT MOTION

This is deemed filed at the time it was delivered to prison authorities for forwarding, Houston v. Lack, 101 L. Ed. 2d, 245 (1988), upon the defendant/ defendants and or his/ attorney/ attorneys of record, by placing same in a sealed, postage prepaid envelope addressed to:

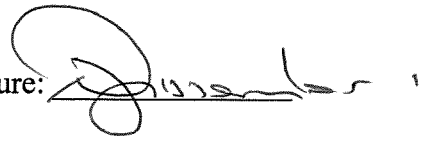
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DISTRICT OF SOUTH CAROLINA
Clerk's office
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Columbia, S.C. 29201

Copy: Marshall Prince
Assistant United States Attorney
1441 Main Street, Suite 500
Columbia, S.C. 29201

And deposited same in the United States Mail at FCI-Pollock Mailroom VIA FIRST CLASS
UNITED STATES POSTAL SERVICE MAIL

I declare, under penalty of perjury (Title 28 U.S.C. §1746), that the foregoing is true and correct.

Dated this 8 day of, JUNE 2018.

Signature: 

OSMAN OZSUSAMLAR
Reg. 53271-054
FCI- Pollock- POM
P. O. BOX 4050, Unit D2
Pollock, LA 71467-4050

cc: File